BOMBAY ACT No. I OF 1889.

(*The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 23rd May, 1890.*)

The Bombay Village Sanitation Act, 1889.

WHEREAS, for the purpose of improving the sanitary condition of villages in the Presidency of Bombay, it is expedient to provide for the constitution of Sanitary Committees and Boards having authority over such villages; It is enacted as follows:—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the Bombay Village Sanitation Act, 1889.

Extent. 2. It is applicable to the whole of the Presidency of Bombay, except the City of Bombay, Aden and its dependencies, Perim, and the scheduled district of the Mehwassi Chiefs' villages, as defined in the Scheduled Districts Act, XIV of 1874. 1874 [a].

Repeal of enactments. 3. During such time as Part II or Part III and the rules made thereunder shall be in force in any village, the enactments mentioned in the schedule shall, to the extent specified in the third column of the schedule, cease to have any operation in the said village.

Definitions. 4. In this Act, unless there be something repugnant in the subject or context—

(*a*) "village" means the site of a village or town, determined for the time being as under section 126 of the Bombay Land-revenue Code, Bom. V of 1879. 1879 [b], together with the area included within a distance of a quarter of a mile from any part of such site, in so far as such site or area is not included within a permanent municipal district or a military cantonment;

(*b*) "prescribed" means prescribed by a rule made under this Act;

(*c*) "chávdí" means, in any village in which there is no chávdí, such place as the Collector directs shall be deemed to be the chávdí for the purposes of this Act.

Operation of Parts II, III and IV. 5. (*1*) Part II shall come into force in any village to which the Collector extends the same, under the power hereinafter conferred upon him in this

[a] For Act XIV of 1874 see the revised edition, as modified up to 1st October, 1895, published by the Legislative Department.

[b] Printed in Vol. II of this Code, p. 303.

behalf, from such date as the Collector shall direct, and shall continue in force, when so extended, until the Governor in Council directs by notification in the Bombay Government Gazette that it shall cease to have operation in such village, or extends Part III to such village.

(*2*) Part III shall come into force in any village to which the Governor in Council extends the same, under the power hereinafter conferred upon him in this behalf, from such date as is directed in this behalf by the Governor in Council, and shall continue in force, when so extended, until the Governor in Council directs by notification in the Bombay Government Gazette that it shall cease to have operation in such village.

(*3*) Part IV shall have operation, as far as its provisions apply, in and in respect of every village in which either Part II or Part III is in force.

Part II how to be extended to a village.

6. (*1*) Subject to the control of the Commissioner and of Government, the Collector may at any time extend Part II to any village in his district in which Part III is not in force.

(*2*) For the purpose of extending Part II to any such village, the Collector shall cause to be published by posting up copies thereof in conspicuous places in his own office and in the office of the Mámlatdár and of the Mahálkarí within whose táluqá or mahal the said village is situate and in the chávdí or some other public building in the said village, a proclamation in the language of the district directing that, unless a proclamation be thereafter issued by him to the contrary, Part II shall extend to the said village on and from a date to be specified in the proclamation, which shall not be less than two months after that on which the proclamation is posted up in the village, and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to the Collector not later than one month before the said specified date, be received and considered.

(*3*) If, after considering any objections which may have been made as aforesaid, the Collector shall be of opinion that good cause exists for not extending Part II to the village or for not extending it thereto immediately, he may, by proclamation published as aforesaid—

(*a*) cancel his previous proclamation; or

(*b*) suspend the extension of Part II to the said village for a specified period.

(*4*) If the Collector suspends the extension of Part II to the village for a specified period, he may thereafter, by proclamation published as aforesaid—

(*c*) at any time abandon the proposed extension; or

(*d*) from time to time defer the extension for a further specified period.

Part III how to be extended to a village.

7. (*1*) The Governor in Council may at any time extend Part III to any village in any part of the Presidency to which this Act is applicable, whether Part II is at the time in force in such village or not. Such extension to a village where Part II is in force shall cause Part II to cease to operate therein.

(*2*) For the purpose of extending Part III to any such village, the Governor in Council shall, by notification in the Bombay Government Gazette, direct that, unless a notification be thereafter issued by him to the contrary, Part III shall extend to the said village on and from a date to be specified in the notification, which shall not be less than three months from the date of the notification, and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to a Secretary to Government or to the Collector, not later than one month before the said specified date, be received and considered.

(*3*) If, after considering any objections which may have been made as aforesaid, Government shall be of opinion that good cause exists for not extending Part III to the village or for not extending it thereto immediately, it may, by notification in the Bombay Government Gazette, exercise the like powers with respect to the extension of the said Part as the Collector is authorized to exercise, with respect to Part II by sub-sections (*3*) and (*4*) of section 6.

(*4*) Translations in the language of the district of every notification issued by Government under this section shall be published by the Collector, without delay, in the manner prescribed in sub-section (*2*) of section 6 for the publication of a proclamation issued by himself.

PART II.

Sanitary Committees.

Each village to have a Sanitary Committee.

8. (*1*) There shall be a Sanitary Committee in every village to which this Part is extended. The said committee shall consist of three or more adult house-holders, residents of the village, chosen, with their own consent, by the Collector, of whom the police patel shall be one, unless the Collector for reasons recorded in writing in any particular case determines otherwise. For the purpose of aiding him in his choice, the Collector may, in his discretion, procure the nomination or election, by the house-holders of the village, of qualified persons, in such mode as he shall deem expedient.

(*2*) The chairman of the said committee shall be nominated by the Collector.

(3) The chairman and other members of the committee shall hold office for the prescribed period.

Record of Committee's proceedings.

9. The proceedings of the Sanitary Committee shall be recorded in the prescribed manner (or, until rules are made under section 11, in such manner as the Collector by written order directs), by the village-accountant or such other person as the Collector appoints in this behalf, and, in the absence of the village-accountant or person so appointed, by such other person as the Committee may employ for this purpose; and the said record shall be verified by the signature of the chairman or of some other member of the Committee authorized by the Committee in that behalf, below each day's proceedings.

Magistrates having jurisdiction in the village may take part in Committee's proceedings.

10. Every Magistrate having jurisdiction in the village may take part in the proceedings of the committee at any meeting thereof at which he is present, and such Magistrate or, if there be more than one, the highest in magisterial rank of such Magistrates shall for this purpose be deemed to be a member and president of the committee for the occasion.

Sanitary Committee to make village-rules.

11. The Sanitary Committee may from time to time make rules, and repeal or vary the same, with the approval of the Collector—

(*a*) for regulating the terms of office of its members and its proceedings;

(*b*) for determining the manner in which its proceedings shall be recorded;

(*c*) for procuring and preserving for the use of the village an adequate supply of pure potable water;

(*d*) for the cleansing of the streets and open spaces of the village;

(*e*) for preventing accumulations of offensive and noxious matter in the village;

(*f*) for preventing nuisances and indecent or insanitary acts or omissions in the village; and

(*g*) generally for giving effect in the village to the purposes of this Act.

Provisions concerning the making of rules.

12. (*1*) For not less than three months before any rule which it is proposed to make under section 11 is to come into force, the Committee shall exhibit a copy thereof at the chávdí or some other public building in the village, and there shall be affixed to such copy a notice that objections thereto made in writing to the Collector not later than one month before the date fixed for their coming into force—which date shall be specified—will be received and considered.

(*2*) Any objections so made shall be considered by the Collector, in conference with the committee. If, on such consideration, it shall seem desirable to

alter or withdraw the proposed rule, such alteration or withdrawal shall be effected by a notice exhibited as aforesaid. If the Collector deems it expedient to suspend the operation of a rule, it may be suspended for a specified period by a notice exhibited as aforesaid, which shall state that objections thereto, made as aforesaid not later than one month before the expiry of the said period will be received and considered. Any objection so made shall be considered as aforesaid, and, if it then seems desirable to alter or withdraw the rule, the same shall be notified as aforesaid.

(*3*) Subject to the provisions of sub-section (*2*), every rule made by the committee, with the approval of the Collector and notified as aforesaid, shall come into force on the day notified in this behalf.

Prosecution of offenders against the rules.

13. Whenever it shall come to the notice or knowledge of the Sanitary Committee that any person in the village has apparently committed or is accused of having committed a breach of any rule made by the committee under section 11, such committee may, by notice in writing, require such person's attendance before the committee.

Cognizance by the committee of offences against the rules.

14. (*1*) All offences against the rules made by the committee under section 11 shall be cognizable by the committee.

(*2*) For the purpose of exercising this jurisdiction, the committee shall assemble as often as shall be necessary or as the Magistrate of the district shall direct at the chávdí or some other convenient place within the village or near thereto.

(*3*) The Committee shall in the presence of the accused person, or if notwithstanding the service of a notice upon the said person as aforesaid he fails to appear, then in his absence, take evidence as to the alleged offence and any evidence produced by the said person in his defence, and shall thereupon either acquit or convict the accused person and, if he is convicted, may sentence him to such punishment authorized by this Act or by the rules as it thinks reasonable.

Appeals against the committee's decisions.

15. (*1*) A person convicted by the committee may, at any time within ten days after sentence is passed against him, appeal to the Magistrate of the district or other Magistrate vested under the Code of Criminal Procedure [*] with appellate jurisdiction over the place where the sentence is passed, or to such other Magistrate, not being a member of such committee, as the Magistrate of the district may, subject to the orders of Government from time to time, appoint in this behalf.

X of 1882.

(*2*) If such person gives notice of his intention to appeal and deposits with an officer appointed by the Magistrate of the district in this behalf the

[*] For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.

amount of the fine inflicted upon him, execution of the sentence shall be suspended until the lapse of ten days from the date of the sentence, or, if an appeal is made, until it is disposed of. If within ten days no appeal is made, the sum deposited shall be appropriated to payment of the fine inflicted.

(*3*) The Magistrate who hears the appeal may confirm, reverse or modify the decision of the Sanitary Committee and may pass any order as to punishment which it was competent to the committee to pass. His order shall be enforced in like manner as one made by the Sanitary Committee.

(*4*) The said Magistrate may suspend execution of the sentence pending disposal of the appeal when such suspension shall appear to him necessary or expedient, on such terms as shall seem reasonable.

Sanitary Committee may authorize expenditure for necessary works or measures.

16. For the purpose of providing for the village an adequate supply of pure potable water, of cleansing the streets and open spaces thereof, of removing offensive and noxious matter therefrom and for other purposes conducive to the health and comfort of the inhabitants of the village, the Sanitary Committee may utilize, as far as available, the voluntary labour of inhabitants of the village and the services of village servants placed at its command under section 42; and, when these means are insufficient, may from time to time, with the approval of the Collector, employ such servants, enter into such contracts, make such deductions and allowances from any rate leviable under its authority, and may authorize the expenditure by the Collector or under his control, of such sums of money as shall be necessary and reasonable, for the purpose aforesaid.

Voluntary subscriptions may be raised for such works or measures.

17. The inhabitants of the village may by voluntary subscription raise any sum of money for any of the purposes aforesaid, and such sum may be paid to the Mámlatdár or other officer appointed by the Collector in that behalf, and shall by him be placed to the credit of an account which he shall keep in the name of the Sanitary Committee, for the defrayal of charges incurred under this Act for the purpose for which the subscription was raised.

Necessary moneys for expenditure may be raised by a rate on the inhabitants.

18. (*1*) If any sum of money of which the expenditure is authorized by the committee is not raised by voluntary subscription and is not available from any other source, the same may be recovered by a rate charged on the inhabitants of the village and assessed by the Collector, in conference with the Sanitary Committee:

(*2*) Provided that the aggregate amount to be so charged in any year, on the inhabitants of any village, shall not exceed one-half of the aggregate amount leviable in that year as local fund cess from the inhabitants of such village.

(*3*) It shall be lawful for the Sanitary Committee, out of any unappropriated balance of money standing to its credit under the provisions hereinafter enacted, to make such contribution, on such terms as it shall deem expedient, to the cost of any work under construction by a Local Board, in fulfilment of the duties imposed on it by section 30, clauses (*c*), (*e*) and (*f*), of Bombay Act I of 1884 [*].

PART III.

Sanitary Boards.

Constitution of Sanitary Boards.

19. (*1*) There shall be a Sanitary Board in every village to which this Part is extended, or one such board for a group of two or more such villages, as Government may direct. Each such board shall consist of such number of persons appointed by the Collector as Government directs, the said persons being residents within or near to the area which is to be subject to the board's authority and having property therein, and shall ordinarily include the police patels. For the purpose of aiding him in his choice, the Collector may in his discretion obtain the nomination or election of qualified persons, from amongst whom he will select all or some of the members, according to such mode and local distribution as shall seem expedient.

(*2*) Each meeting of such board shall be presided over by the Magistrate of highest rank present thereat who is a member, or, in the absence of any such Magistrate, by such member as the Collector, subject to the orders of Government, appoints to be the president of the board. In the absence of any Magistrate and of the president, a meeting of the board shall be presided over by such one of the members present as may be chosen by the meeting to be chairman for the occasion.

(*3*) The president and members of the board shall hold office for the prescribed period.

Sanitary Board may make rules.

20. The Sanitary Board may from time to time make rules, with the approval of the Collector, and, save as hereinafter provided, shall discharge functions and exercise authority for the area subject to its authority in respect of the same matters, in the same manner, and subject to like provisions, restrictions and conditions as are hereinbefore enacted in the case of a Sanitary Committee.

Appointment

21. (*1*) The Collector may, subject to the orders of Government, from

[*] Printed *supra*, p. 34.

of Sanitary Inspector and other officers.

time to time appoint a Sanitary Inspector for any area or any part of the area subject to the authority of a sanitary board, and also such other subordinates as shall appear necessary, and determine the amount of salary to be paid to each of such officers. He may also dismiss or suspend the said officers.

(*2*) Such Sanitary Inspector may be a person employed by the Táluqá or District Local Board having authority at the place. He may be employed by or on behalf of two or more Sanitary Boards.

Duties of the Sanitary Inspector.

22. (*1*) The Sanitary Inspector shall take measures for preventing breaches of the rules in force in the area for which he is appointed, by, from time to time—

(*a*) posting up and otherwise publishing a general admonition respecting the observance of the said rules; or

(*b*) admonishing any person whom he finds offending against any of the said rules; or

(*c*) summoning to appear before the Sanitary Board any person who, from his own observation or from reports made to him by his subordinates, he has reason to think should be prosecuted for offending against any of the said rules.

(*2*) The Sanitary Inspector shall make such reports and be in such relation to the Sanitary Commissioner, consistent with the duties and obligations imposed on him by this Act or arising out of his position as a servant of a Local or Sanitary Board, as Government may prescribe.

Prosecutions at instance of the Board for breaches of rules.

23. The Board may also by notice in writing require the attendance before the Board of any person who is accused of having committed, or who, to the knowledge of the Board, has apparently committed, a breach of any rule made by the Board under section 20.

Cognizance by the Board of offences against the rules.

24. (*1*) All offences against the rules made by the Board under section 20 shall be cognizable by the Board, who, for the purpose of exercising this jurisdiction, shall assemble, as often as shall be necessary or as the Magistrate of the district shall direct, at some convenient place within or near to the area subject to its authority.

(*2*) The provisions of sub-section (*3*) of section 14 and of section 15 shall apply, as nearly as may be, to the hearing and decision of cases under this section by a Sanitary Board and to appeals by persons convicted by such Board.

Sanitary Board's orders by whom to be carried out.

25. (*1*) The orders of every Sanitary Board shall be carried out and its orders and proceedings shall be recorded in the prescribed manner and preserved by such member of the Board or by such officer of the Board or by such other officer as the Collector may from time to time nominate in this behalf.

(2) The person authorized in this behalf shall be bound to keep a true record of the Board's proceedings and orders, under his signature, and truly to prepare all summonses, notices and orders issuing by direction of the Board or of any member thereof in accordance with this Act or with rules made under section 20.

Sanitary Board may enter into certain contracts.

26. A Sanitary Board may, with the approval of the Collector, contract with any person—

(*a*) for the daily surface-cleansing of the streets and public spaces within the area or any portion of the area subject to its authority, so far as the same cannot be effected by means of the village-servants, if any, whose services are placed at its command under section 42, or

(*b*) for the removal from the said area of sweepings, dust, ashes, refuse, rubbish, carcasses of dead animals and any offensive or noxious matter.

Works and buildings which may be provided by a Sanitary Board.

27. Every Sanitary Board may, with the approval of the Collector, cause to be constructed such works and buildings as shall be necessary for providing for the area subject to its authority or any part thereof—

(*a*) an adequate supply of water;

(*b*) proper and convenient places for the temporary deposit or final disposal of sweepings, dust, ashes, refuse, rubbish, carcasses of dead animals and other offensive or noxious matter;

(*c*) means for conveying away or removing the several matters and things specified in clause (*b*).

Voluntary subscription may be raised to meet a Sanitary Board's expenditure.

28. The inhabitants of the area or any part of the area subject to the authority of a Sanitary Board may by voluntary subscription raise any sum of money for any purpose for which the Board may incur expenditure, and such sum may be paid to the Mámlatdár or other officer appointed by the Collector under section 30, and shall by him be placed to the credit of the Board for expenditure within the area in which and on the purpose for which the subscription was raised.

Purposes for which expenditure is to be incurred by Sanitary Board.

29. Every Sanitary Board shall be bound to provide for, or authorize the expenditure necessary for—

(*a*) paying the salaries of the Sanitary Inspector and other officers, if any, appointed under section 21; and

(*b*) providing stationery and other requisites for the use of the Board and of the said Sanitary Inspector and other officers, if any; and

(*c*) fulfilling any contract entered into by it under section 26; and

(*d*) constructing necessary works and buildings under section 27.

Sanitary Board's ways and means.

30. (*1*) A debit and credit account shall be kept by the Mámlatdár or other officer appointed by the Collector in that behalf in the name of each Sanitary Board. To the debit of such account shall be placed all expenditure authorizedly incurred under section 29. To its credit shall be placed all sums raised by voluntary subscription under section 28, all sums realized from any other source for meeting the Board's expenditure and the net proceeds of any rate assessed as hereinafter provided.

(*2*) For the purpose of raising money for expenditure by a Sanitary Board under this Act, the Collector may, subject to the same limit as is by section 18 (*2*) provided in respect of rates charged under section 18 (*1*), from time to time, in conference with such Board, charge and assess a rate on the inhabitants of the area or of any part of the area subject to the Board's authority.

(*3*) The burden of any rate charged under sub-section (*2*) shall be distributed over the several parts of the area subject to the Board's authority in such proportions as the Collector, in conference with the Board, directs, or, if the Collector, in conference with the Board, so determines, shall be placed wholly on one or more such parts.

PART IV.

General Provisions.

Certain Government officers to advise Sanitary Committees and Boards.

31. The Executive Engineer of the district and any subordinate of the Executive Engineer, of the Sanitary Commissioner or of a Local Board, having authority at the place whom the Collector may appoint generally or specially in this behalf shall have, in relation to a Sanitary Committee or Board, such rights and duties as are assigned to certain officers in relation to Local Boards by the first paragraph of section 33 of Bombay Act I of 1884[a].

Removal from office of members, etc., of Sanitary Committees and Boards.

32. The Collector may, after recording his reasons for the same, remove from office any member or chairman of a Sanitary Committee and, with the sanction of Government, any member, or president of a Sanitary Board, who appears to be incompetent or who has been guilty of any misconduct or neglect of duty which appears to render his removal expedient.

Filling up of vacancies.

33. (*1*) Whenever for any reason a vacancy occurs or is about to occur in the office of a member or chairman of a Sanitary Committee, or of a member or president of a Sanitary Board, the Collector shall without delay appoint a person to fill such vacancy.

[a] Printed *supra*, p. 34.

(2) During any such vacancy the continuing members of a Sanitary Committee or Board may act as if no vacancy had occurred.

Questions to be decided by majorities.

34. Every question which comes before a Sanitary Committee or Board for decision shall be decided by a majority of votes of the members present and voting at a prescribed meeting of such committee or board or at a meeting thereof assembled by direction of the Collector or otherwise after notice duly issued to all the members, the member who presides having a second or casting vote when there is an equality of votes.

Signing of summonses, etc.

35. Summonses, notices and orders issued by a Sanitary Committee or Board or with its authority may be signed on behalf of the committee or board by the member presiding at any meeting of such committee or board.

Punishment for breach of rules made under this Act.

36. A breach of any rule made by a Sanitary Committee or Board under this Act in respect of any matter other then the matters specified in clauses (*a*) and (*b*) of section 11 shall be punishable, unless in any case a smaller maximum punishment is prescribed by the said rules, with fine which may extend to ten rupees, and in default with confinement in the chávdi for a period which may extend to forty-eight hours, and, in the case of a continuing breach, with fine which may extend to two rupees for every day after conviction for the first breach or after receipt of notice from the committee or board or from the Sanitary Inspector, to discontinue the breach, during which the breach continues and, in default, with confinement as aforesaid.

Order for levy of fines.

37. (*1*) A Sanitary Committee or Board may allow to a person sentenced to pay a fine such time not exceeding four days as it may think proper for payment of the fine, on such terms as to security as it shall seem to the committee or board necessary to impose.

(2) Whenever default is made in the payment of a fine, the Sanitary Committee or Board which passed the sentence, or on appeal from whose decision the sentence was passed, may in its discretion by written order direct the levy of the amount, although the sentence directs that, in default of payment of the fine, the offender shall be confined and the offender is or has been confined.

Levy of fines and rates.

38. All fines for the levy of which an order has been issued as aforesaid, all sums assessed on account of any rate under this Act, which are not paid after reasonable notice, shall be leviable by the patel or by such other person as the Collector or the Sanitary Committee or Board, with the Collector's sanction, appoints in that behalf, by distress and sale of any moveable property of the person liable therefor, subject to such exceptions as are enacted in

the Code of Civil Procedure [a] in respect of the sale of moveable property in execution of decrees. XIV of 1882.

Net proceeds of fines to be credited to account of committee or board having authority over the villages in which offences are committed.

39. All fines levied in respect of breaches of rules made under this Act shall, after deducting the expenses, if any, of prosecuting the offenders, be paid to the Mámlatdár or other officer appointed by the Collector under section 17 or 30, and shall by him be placed to the credit of the account of the Sanitary Committee or Board having authority over the village in which the breach was committed, for expenditure on any purpose contemplated by this Act.

Contributions and loans from local boards.

40. (*1*) Any District or Táluqá Local Board may from time to time assign, by way of donation or loan, to the Sanitary Committee or Board of any village or group of villages in the area subject to its authority, for expenditure on any purpose contemplated by this Act, such sum out of the portion of the local fund at its disposal as it shall think proper.

(*2*) Any sum so assigned shall be paid to the Mámlatdár or other officer appointed by the Collector under section 17 or 30, and shall by him be placed to the credit of the account of the Sanitary Committee or Board to which it is assigned.

(*3*) But no sum shall be so assigned by way of loan, without the sanction of the Collector, and every sum assigned by way of loan with such sanction shall be recoverable by the Collector in such instalments of interest and of principal as shall be agreed upon between the parties, by a rate charged and assessed by the Collector, in conference with the Sanitary Committee or Board, upon the inhabitants of the area subject to the authority of such Committee or Board.

Execution of works in which two or more Sanitary Committees or Boards are jointly interested.

41. (*1*) Works for the supply of water or for the drainage of two or more villages subject to the authority of different Sanitary Committees or Boards and any other work or measure conducive to the common health or comfort of two or more such villages may, upon request made, with the approval of the Collector, by all such Committees and Boards or by a majority of them, be executed by or under the direction of the Collector or of such other officer as Government appoints in this behalf.

Recovery of cost of such works.

(*2*) The cost of any such work or measure shall be divided between the several Committees and Boards in such proportions as shall be agreed upon by them, or, in default of such agreement, as the Collector shall determine;

[a] For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.

and shall be recoverable in the said proportions by a rate charged and assessed by the Collector, in conference with each Committee and Board, upon the inhabitants of the areas subject respectively to the said Committee's and Board's authority: subject to the same limit as is provided by section 18, clause (*2*), in respect of rates charged under section 18, clause (*1*).

Abandonment of a work proposed to be undertaken by a Sanitary Committee or Board in favour of a work to be undertaken by a Local Board.

(*3*) Where any work undertaken or proposed by a committee or board constituted under this Act shall be such as to interfere with or materially affect any work undertaken or proposed by a District or Táluqá Local Board, such latter Board may require the Sanitary Committee or Board to desist from such work as aforesaid, and it shall thereupon be the duty of the District or Táluqá Local Board to make reasonable provision, within reasonable time, for supplying to the area under the authority of the Sanitary Committee or Board such means of health, cleanliness and decency, or means equivalent thereto, as would have been furnished by the work abandoned in consequence of such requisition as aforesaid.

Local Boards may call for information in such cases.

(*4*) For the purpose of obtaining information as to any work intended or in course of construction, to which the provisions of the preceding clause may apply, it shall be lawful for the Táluqá or District Local Board to call for such report from the Sanitary Committee or Board, through the Collector, as shall be necessary and reasonable, and to cause such inspection and report to be made by any person in its employment, as it shall deem necessary in this behalf, and it shall be the duty of the Sanitary Committee or Board concerned to comply with such requisition and to give reasonable aid and furtherance to any inspection ordered as aforesaid.

Certain village-servants to be placed under command of Sanitary Committee or Board.

42. Village-servants who hold land, profits of land or other emoluments by way of remuneration, wholly or partly, for services consisting in or connected with cleansing or conservancy may, as to such services, be placed by the Collector, subject to the control of Government, under the command and superintendence of the Sanitary Committee or Board having authority in the place in respect of which the said services are due, and shall be bound to fulfil all reasonable orders of the said Committee or Board under such reasonable penalties as may be provided in any rule made under this Act.

Determination and recovery of dues of village-

43. (*1*) The Collector shall—

(*a*) determine all questions as to the amount of any payment at any time by custom or under any settlement mentioned in section 18, 19 or 20 of the Bombay Hereditary Offices Act [a] due to a village-servant

Bom. III of 1874.

[a] Printed in Vol. II of this Code, p. 192.

servants placed under command of Sanitary Committee or Board.

placed under the command of a Sanitary Committee or Board under the last preceding section; and,

(*b*) if necessary, cause the amount which he determines to be due or the money value thereof at the market-rate of the time being, if the due is payable in kind, to be recovered on behalf of the village-servant entitled thereto, free of charge, as if the same were an arrear of land-revenue:

(*2*) Provided that the Collector may decline to cause such recovery to be made on behalf of any servant, if, in his opinion, the duty in respect of which the payment is due has not been duly performed by such servant.

Collector's functions under this Act may be delegated.

44. Any power conferred or duty imposed by this Act upon the Collector may, with the sanction of Government, be delegated by him to an Assistant or Deputy Collector.

Collectors, Magistrates and other public servants subject to usual control in the exercise of their authority.

45. In the discharge of the duties and the exercise of authority assigned to them by this Act, Collectors, Magistrates and other public servants shall be subject to the like control as in the discharge of their ordinary functions.

Indemnity of persons acting in good faith under this Act.

46. (*1*) No Magistrate, Collector, president or member of a Sanitary Committee or Board, or Sanitary Inspector shall be liable to any penalty or to payment of damages for any act by him done in good faith in pursuance or intended pursuance of any authority or duty conferred or imposed upon him by this Act.

(*2*) And no public servant or person duly authorized or appointed shall be liable as aforesaid for giving effect in good faith to any order or direction issued with apparent authority by a person empowered in that behalf under this Act or under any rule made hereunder.

SCHEDULE.

(*See section 3.*)

Number and year of enactment.	Subject or title.	Extent of repeal.
[a] Bom. Act VII of 1867.	The Bombay District Police Act, 1867.	Sections 33 and 34.
[b] Bom. Act VIII of 1867.	The Bombay Village Police Act, 1867.	Clauses 2, 3 and 4 (except the first two and the last thirteen words) and 5 of section 16.

[a] Printed in Vol. II of this Code, p. 108.
[b] Printed in Vol. II of this Code, p. 120.